

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK
Rochester Division DIVISION

In re:

RICE, KENNETH C. § Case No. 17-20706
fdbा President of Oxford East Landscape § Chapter 7
and Design, Inc §
Debtor(s) §

TRUSTEE'S FINAL REPORT (TFR)

The undersigned trustee hereby makes this Final Report and states as follows:

1. A petition under Chapter 7 of the United States Bankruptcy Code was filed on 06/29/2017. The undersigned trustee was appointed on 06/29/2017.
2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.
3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. § 522, or have been or will be abandoned pursuant to 11 U.S.C. § 554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A**.

4. The trustee realized the gross receipts of \$ 14,000.00

Funds were disbursed in the following amounts:

Payments made under an interim distribution	0.00
Administrative expenses	0.00
Bank service fees	150.88
Other payments to creditors	0.00
Non-estate funds paid to 3rd Parties	0.00
Exemptions paid to the debtor	0.00
Other payments to the debtor	0.00
Leaving a balance on hand of ¹	\$ <u>13,849.12</u>

The remaining funds are available for distribution.

¹The balance of funds on hand in the estate may continue to earn interest until disbursed. The interest earned prior to disbursement will be distributed pro rata to creditors within each priority category. The trustee may receive additional compensation not to exceed the maximum compensation set forth under 11 U.S.C. § 326(a) on account of the disbursement of the additional interest.

5. Attached as **Exhibit B** is a cash receipts and disbursements record for each estate bank account.

6. The deadline for filing non-governmental claims in this case was 11/16/2017 and the deadline for filing governmental claims was 12/27/2017. All claims of each class which will receive a distribution have been examined and any objections to the allowance of claims have been resolved. If applicable, a claims analysis, explaining why payment on any claim is not being made, is attached as **Exhibit C**.

7. The Trustee's proposed distribution is attached as **Exhibit D**.

8. Pursuant to 11 U.S.C. § 326(a), the maximum compensation allowable to the trustee is \$2,150.00. To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received \$0.00 as interim compensation and now requests the sum of \$2,150.00, for a total compensation of \$2,150.00². In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$0.00 and now requests reimbursement for expenses of \$21.39 for total expenses of \$21.39².

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Date: 05/17/2018

By: /s/ Douglas J. Lustig
Trustee

STATEMENT: This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. §1320.4(a)(2) applies.

²If the estate is administratively insolvent, the dollar amounts reflected in this paragraph may be higher than the amounts listed in the Trustee's Proposed Distribution (Exhibit D)

Form 1
Individual Estate Property Record and Report
Asset Cases

Exhibit A
Page: 1

Case No.: 17-20706

Trustee Name: (521560) Douglas J. Lustig

Case Name: RICE, KENNETH C.

Date Filed (f) or Converted (c): 06/29/2017 (f)

For Period Ending: 05/17/2018

§ 341(a) Meeting Date: 08/08/2017
Claims Bar Date: 11/16/2017

Ref. #	1 Asset Description (Scheduled And Unscheduled (u) Property)	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property Formally Abandoned OA=§554(a) abandon.	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1	Prossick Road, Lodi, NY 00000-0000, Seneca County PER TRUSTEE'S NOTICE OF INTENT TO SELL DATED 9/28/17 Land, 5.22 acres vacant land; Tax ID # 11-1-7.12; owned jointly with non-filing spouse; appraised value \$25,300.00 less mortgage \$8,452.00 = equity of \$16,848.00; scheduled value is 1/2 equity (\$8,424.00) plus mortgage (\$8,452.00) = \$16,876.00. Entire property value: \$16,876.00	16,876.00	5,253.71		5,253.71	FA
2	Prossick Road, Lodi, NY 00000-0000, Seneca County PER TRUSTEE'S NOTICE OF INTENT TO SELL DATED 9/28/17 Land, 5.22 acres vacant land; Tax ID # 11-1-7.13; owned jointly with non-filing spouse; appraised value \$25,300.00 less mortgage \$8,452.00 = equity of \$16,848.00; scheduled value is 1/2 equity of (\$8,424.00) plus mortgage (\$8,452.00) = \$16,876.00. Entire property value: \$16,876.00	16,876.00	5,253.71		5,253.71	FA
3	Prossick Road, Lodi, NY, Seneca County PER TRUSTEE'S NOTICE OF INTENT TO SELL DATED 9/28/17 Land, 5.22 acres vacant land; Tax ID #11-1-7-29; owned jointly with non-filing spouse; appraised value \$25,300.00 less mortgage of \$8,375.00 = equity of \$16,925.00; scheduled value is 1/2 equity (\$8,463.00) plus mortgage (\$8,375.00) = \$16,838.00. Entire property value: \$16,838.00	16,838.00	3,492.58		3,492.58	FA
4	Household goods	150.00	0.00		0.00	FA
5	Electronics	200.00	0.00		0.00	FA
6	Electronics	50.00	0.00		0.00	FA
7	Electronics	50.00	0.00		0.00	FA
8	Firearms and sports	200.00	0.00		0.00	FA
9	Firearms	50.00	0.00		0.00	FA
10	Wearing apparel	200.00	0.00		0.00	FA
11	Furs and jewelry	100.00	0.00		0.00	FA
12	Furs and jewelry	20.00	0.00		0.00	FA
13	Non-farm animals	40.00	0.00		0.00	FA
14	Checking, savings or other financial accounts	7.00	0.00		0.00	FA
15	Tax refunds owed to you	166.00	0.00		0.00	FA
16	Machinery, fixtures	300.00	0.00		0.00	FA
17	Machinery, fixtures	100.00	0.00	Entered 06/01/18 16:06:52 ⁰⁰	Desc Main	FA

Form 1
Individual Estate Property Record and Report
Asset Cases

Exhibit A
Page: 2

Case No.: 17-20706

Trustee Name: (521560) Douglas J. Lustig

Case Name: RICE, KENNETH C.

Date Filed (f) or Converted (c): 06/29/2017 (f)

For Period Ending: 05/17/2018

§ 341(a) Meeting Date: 08/08/2017

Claims Bar Date: 11/16/2017

1 Ref. #	2 Asset Description (Scheduled And Unscheduled (u) Property)	3 Petition/ Unscheduled Values	4 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	5 Property Formally Abandoned OA=§554(a) abandon.	6 Sale/Funds Received by the Estate	Asset Fully Administered (FA)/ Gross Value of Remaining Assets
18	Machinery, fixtures	100.00	0.00		0.00	FA
18	Assets Totals (Excluding unknown values)	\$52,323.00	\$14,000.00		\$14,000.00	\$0.00

Major Activities Affecting Case Closing:

Initial Projected Date Of Final Report (TFR): 02/28/2018

Current Projected Date Of Final Report (TFR): 02/28/2018

05/17/2018

/s/Douglas J. Lustig

Date

Douglas J. Lustig

Form 2
Cash Receipts And Disbursements Record

Exhibit B
Page: 1

Case No.: 17-20706 **Trustee Name:** Douglas J. Lustig (521560)
Case Name: RICE, KENNETH C. **Bank Name:** Rabobank, N.A.
Taxpayer ID #: **-***5894 **Account #:** *****8500 Checking
For Period Ending: 05/17/2018 **Blanket Bond (per case limit):** \$7,178,437.00
Separate Bond (if applicable): N/A

1	2	3	4	5	6	7	
Trans. Date	Check or Ref. #	Paid To / Received From	Description of Transaction	Uniform Tran. Code	Deposit \$	Disbursement \$	Account Balance
09/25/17		KENNETH M RICE	PROCEEDS FOR NON-EXEMPT EQUITY IN REAL ESTATE		14,000.00		14,000.00
	{1}		NON-EXEMPT EQUITY IN REAL ESTATE \$5,253.71	1110-000			14,000.00
	{2}		NON-EXEMPT EQUITY IN REAL ESTTE \$5,253.71	1110-000			14,000.00
	{3}		NON-EXEMPT EQUITY IN REAL ESTATE \$3,492.58	1110-000			14,000.00
09/29/17		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		10.00	13,990.00
10/31/17		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		21.46	13,968.54
11/30/17		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		20.09	13,948.45
12/29/17		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		19.39	13,929.06
01/31/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		22.03	13,907.03
02/28/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		18.66	13,888.37
03/30/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		19.97	13,868.40
04/30/18		Rabobank, N.A.	Bank and Technology Services Fees	2600-000		19.28	13,849.12

COLUMN TOTALS	14,000.00	150.88	\$13,849.12
Less: Bank Transfers/CDs	0.00	0.00	
Subtotal	14,000.00	150.88	
Less: Payments to Debtors		0.00	
NET Receipts / Disbursements	\$14,000.00	\$150.88	

Form 2
Cash Receipts And Disbursements Record

Exhibit B
Page: 2

Case No.: 17-20706 **Trustee Name:** Douglas J. Lustig (521560)
Case Name: RICE, KENNETH C. **Bank Name:** Rabobank, N.A.
Taxpayer ID #: **-***5894 **Account #:** *****8500 Checking
For Period Ending: 05/17/2018 **Blanket Bond (per case limit):** \$7,178,437.00
Separate Bond (if applicable): N/A

Net Receipts:	\$14,000.00
Plus Gross Adjustments:	\$0.00
Less Payments to Debtor:	\$0.00
Less Other Noncompensable Items:	\$0.00
<hr/>	
Net Estate:	\$14,000.00

TOTAL - ALL ACCOUNTS	NET DEPOSITS	NET DISBURSEMENTS	ACCOUNT BALANCES
*****8500 Checking	\$14,000.00	\$150.88	\$13,849.12
	<hr/>	<hr/>	<hr/>
	\$14,000.00	\$150.88	\$13,849.12

05/17/2018

Date

/s/Douglas J. Lustig

Douglas J. Lustig

Exhibit C
Analysis of Claims Register

Case: 17-20706

KENNETH C. RICE

Claims Bar Date: 11/16/17

Claim No.	Claimant Name/ <Category>, Priority	Claim Type/ Date Filed	Claim Ref	Amount Filed/ Allowed	Paid to Date	Claim Balance
4	Sheffield Financial PO Box 1847 Wilson, NC 27894-1847 <4110-000 Real Estate - Consensual Liens (mortgages, deeds of trust)> , 100	Secured 09/21/17		\$3,902.84 \$0.00	\$0.00	\$0.00
SECURED CLAIM						
ATTY EXP	Douglas J. Lustig 55 Canterbury Road Rochester, NY 14607 <3120-000 Attorney for Trustee Expenses (Trustee Firm)> , 200	Administrative 04/27/18		\$6.01 \$6.01	\$0.00	\$6.01
<hr/>						
ATTY FEE	DOUGLAS J. LUSTIG 55 Canterbury Road Rochester, NY 14607 <3110-000 Attorney for Trustee Fees (Trustee Firm)> , 200	Administrative 04/27/18		\$1,403.00 \$1,403.00	\$0.00	\$1,403.00
<hr/>						
FEE	Douglas J. Lustig 55 Canterbury Road, #1 Rochester, NY 14607 <2100-000 Trustee Compensation> , 200	Administrative		\$2,150.00 \$2,150.00	\$0.00	\$2,150.00
<hr/>						
TE	Douglas J. Lustig 55 Canterbury Road, #1 Rochester, NY 14607 <2200-000 Trustee Expenses> , 200	Administrative 04/27/18		\$21.39 \$21.39	\$0.00	\$21.39
<hr/>						
1	Discover Bank Discover Products Inc PO Box 3025 New Albany, OH 43054-3025 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610	Unsecured 08/18/17		\$8,550.65 \$8,550.65	\$0.00	\$8,550.65
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Exhibit C
Analysis of Claims Register

Case:17-20706

KENNETH C. RICE

Claims Bar Date: 11/16/17

Claim No.	Claimant Name/ <Category>, Priority	Claim Type/ Date Filed	Claim Ref	Amount Filed/ Allowed	Paid to Date	Claim Balance
2	Deere Credit, Inc. dba Johh Deere Financial PO Box 6600 Johnston, IA 50131 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610	Unsecured 08/25/17		\$2,767.25 \$2,767.25	\$0.00	\$2,767.25
3	First National Bank of Omaha 1620 Dodge Street, Stop code 3105 Omaha, NE 68197 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610	Unsecured 09/15/17		\$1,739.38 \$1,739.38	\$0.00	\$1,739.38
5	Bank of America, N.A. Attn: Domenic DiPadua 100 North Tryon Street Charlotte, NC 28255 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610	Unsecured 09/21/17		\$94,948.52 \$94,948.52	\$0.00	\$94,948.52
6	Northern Nurseries, Inc. c/o Melvin & Melvin, PLLC Attn: Collections 217 South Salina Street Syracuse, NY 13202 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610	Unsecured 09/22/17		\$1,383.99 \$1,383.99	\$0.00	\$1,383.99
7	Advanta Bank Corporation Resurgent Capital Services PO Box 10368 Greenville, SC 29603-0368 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610	Unsecured 10/03/17		\$1,405.77 \$1,405.77	\$0.00	\$1,405.77
8	T Mobile/T-Mobile USA Inc by American InfoSource LP as agent 4515 N Santa Fe Ave Oklahoma City, OK 73118 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610	Unsecured 10/19/17		\$4,514.26 \$4,514.26	\$0.00	\$4,514.26

Exhibit C

Analysis of Claims Register

Case:17-20706

KENNETH C. RICE

Claims Bar Date: 11/16/17

Case Total: \$0.00 \$118,890.22

TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 17-20706

Case Name: KENNETH C. RICE

Trustee Name: Douglas J. Lustig

Balance on hand: \$ 13,849.12

Claims of secured creditors will be paid as follows:

Claim No.	Claimant	Claim Asserted	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
4	Sheffield Financial	3,902.84	0.00	0.00	0.00

Total to be paid to secured creditors: \$ 0.00
Remaining balance: \$ 13,849.12

Applications for chapter 7 fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments to Date	Proposed Payment
Trustee, Fees - Douglas J. Lustig	2,150.00	0.00	2,150.00
Trustee, Expenses - Douglas J. Lustig	21.39	0.00	21.39
Attorney for Trustee Fees - DOUGLAS J. LUSTIG	1,403.00	0.00	1,403.00
Attorney for Trustee, Expenses - Douglas J. Lustig	6.01	0.00	6.01

Total to be paid for chapter 7 administrative expenses: \$ 3,580.40
Remaining balance: \$ 10,268.72

Applications for prior chapter fees and administrative expenses have been filed as follows:

Reason/Applicant	Total Requested	Interim Payments	Proposed Payment
None			

Total to be paid for prior chapter administrative expenses: \$ 0.00
Remaining balance: \$ 10,268.72

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$0.00 must be paid in advance of any dividend to general (unsecured) creditors.

Allowed priority claims are:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
		None		

Total to be paid for priority claims: \$ 0.00
 Remaining balance: \$ 10,268.72

The actual distribution to wage claimants included above, if any, will be the proposed payment less applicable withholding taxes (which will be remitted to the appropriate taxing authorities).

Timely claims of general (unsecured) creditors totaling \$115,309.82 have been allowed and will be paid *pro rata* only after all allowed administrative and priority claims have been paid in full. The timely allowed general (unsecured) dividend is anticipated to be 8.9 percent, plus interest (if applicable).

Timely allowed general (unsecured) claims are as follows:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
1	Discover Bank Discover Products Inc	8,550.65	0.00	761.46
2	Deere Credit, Inc. dba John Deere Financial	2,767.25	0.00	246.43
3	First National Bank of Omaha	1,739.38	0.00	154.90
5	Bank of America, N.A. Attn: Domenic DiPadua	94,948.52	0.00	8,455.48
6	Northern Nurseries, Inc. c/o Melvin & Melvin, PLLC Attn: Collections	1,383.99	0.00	123.25
7	Advanta Bank Corporation Resurgent Capital Services	1,405.77	0.00	125.19
8	T Mobile/T-Mobile USA Inc by American InfoSource LP as agent	4,514.26	0.00	402.01

Total to be paid for timely general unsecured claims: \$ 10,268.72
 Remaining balance: \$ 0.00

Tardily filed claims of general (unsecured) creditors totaling \$0.00 have been allowed and will be paid *pro rata* only after all allowed administrative, priority and timely filed general (unsecured) claims have been paid in full. The tardily filed claim dividend is anticipated to be 0.0 percent, plus interest (if applicable).

Tardily filed general (unsecured) claims are as follows:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
		None		

Total to be paid for tardily filed general unsecured claims:	\$	0.00
Remaining balance:	\$	0.00

Subordinated unsecured claims for fines, penalties, forfeitures, or damages and claims ordered subordinated by the Court totaling \$0.00 have been allowed and will be paid *pro rata* only after all allowed administrative, priority and general (unsecured) claims have been paid in full. The dividend for subordinated unsecured claims is anticipated to be 0.0 percent, plus interest (if applicable).

Subordinated unsecured claims for fines, penalties, forfeitures or damages and claims ordered subordinated by the Court are as follows:

Claim No.	Claimant	Allowed Amount of Claim	Interim Payments to Date	Proposed Payment
None				

Total to be paid for subordinated claims:	\$	0.00
Remaining balance:	\$	0.00